

**UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA**

BONNIE ABRAHAM,	)	
	)	
Plaintiff	)	
	)	
v.	)	<b>Case No.: 3:13-cv-00843-JMM</b>
	)	
OMNI CREDIT SERVICES,	)	
	)	
Defendant	)	

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**MOTION FOR ENTRY OF DEFAULT AGAINST DEFENDANT**

Pursuant to Federal Rule of Civil Procedure 55(a), comes now Plaintiff, BONNIE ABRAHAM, by and through her counsel, Craig Thor Kimmel, and motions for Entry of Default against Defendant and states the following in support:

1. On April 3, 2013, Plaintiff filed a Complaint in this matter, naming Pinnacle Recovery, Inc. as Defendant. See Docket No. 1.
2. Plaintiff's complaint alleged violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* ("FDCPA").
3. Plaintiff sought statutory damages pursuant to FDCPA in addition to actual damages suffered and reasonable attorney's fees.
4. On April 4, 2013, the Complaint, Notice of Lawsuit and Waiver of Service of Summons were mailed, via certified mail, to Defendant. See Exhibit "A."

5. The Complaint, Notice of Lawsuit and Waiver of Service of Summons were served upon Defendant on April 8, 2013, at Defendant's legal address of: 4710 Eisenhower Blvd., St. A2, Tampa, Florida 33634. See Exhibit "B".
6. Defendant's executed Waiver was due on or before May 3, 2013.
7. Defendant did not return the executed Waiver.
8. Moreover, Defendant never filed an Answer nor contacted Plaintiff's counsel to request an extension of time within which to answer the complaint.
9. Thereafter, on or about May 13, 2013, Plaintiff's firm contacted Pente Legal Solutions of Florida to make service of the Complaint and Summons upon Defendant.
10. On May 14, 2013, Pente Legal Solutions of Florida served the Complaint and Summons upon Patricia Kidd, an individual authorized to accept service for Defendant, at 4710 Eisenhower Blvd., St. A2, Tampa, Florida 33634. See Exhibit "C."
11. Defendant's Answer was due on or before June 4, 2013.
12. As of the date of this Motion, Defendant has neither filed an answer nor contacted Plaintiff's attorney for an extension of time to file an answer.
13. Federal Rule of Civil Procedure 55(a) provides, "When a part against whom a judgment for affirmative relief is sought has failed to plead or

otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.”

14. Accordingly, Plaintiff requests the Clerk of Court enter Default Judgment against Defendant.

WHEREFORE, Plaintiff respectfully requests that this court grant her instant motion and enter default judgment against Defendant, Omni Credit Services, for failure to timely plead or otherwise defend against Plaintiff's complaint.

DATED: June 11, 2013

By: /s/ Craig Thor Kimmel  
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